

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:06-cr-00040

JASON ALLEN WOODY,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

On March 5, 2008, the Defendant filed a motion [Docket 62], pursuant to 18 U.S.C. § 3582(c)(2), to reduce his sentence based on the retroactive crack cocaine amendment to the United States Sentencing Guidelines. By *Memorandum Opinion and Judgment Order* [Docket 66] entered on November 17, 2009, the Court denied the Defendant's motion on the grounds that the Defendant was sentenced as a career offender and is, therefore, ineligible for a sentence reduction.

On November 30, 2009, the Defendant filed a subsequent motion to reduce sentence [Docket 67]. In this motion, the Defendant again moves for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on the retroactive crack cocaine amendment to the sentencing guidelines. Accordingly, the Court treats the motion [Docket 67] as a motion to reconsider its November 17, 2009 ruling.

The Court **FINDS** that the Defendant has cited no new grounds to support his argument that he is eligible for a sentence reduction. Accordingly, for the reasons more fully stated in the Court's November 17, 2009 *Memorandum Opinion and Judgment Order* [Docket 66], the Court **FINDS** that

the Defendant is ineligible for a sentence reduction. Accordingly, the Defendant's motion for reconsideration (titled *Motion to Reduce Sentence Under Amended November 1, 2007 Two Level Crack Reduction Amendment*) [Docket 67] is **DENIED**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: December 1, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE